IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

OP.No. 2908 of 1997(U)

PETITIONERS:

USMAN, S/O.SAITHALI HAJI,
AGED 26 YEARS,
KURUVA AMSOM, DESOM,
PERINTHALMANNA TALUK,
MALAPPURAM DISTRICT.

2. ABDU, S/O.KORADANCHEKUTTY,
AGED 41 YEARS, VAZHIKKADAVU
AMSOM DESOM,VELLAKATTA,
MALAPPURAM DISTRICT.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS:
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1. FOREST RANGE OFFICE,
VAZHIKKADAVU RANGE,
NILAMBUR, MALAPPURAM DISTRICT.

2. DIVISIONAL FOREST OFFICER,
NORTH DIVISION, NILAMBUR.

3. STATE OF KERALA REP.BY
CHIEF SECRETARY,
SECRETARIAT, TRIVANDRUM.

BY GOVERNMENT PLEADER SMT.K.RDEEPA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. 5303/1997 IN OP. NO.2908/1997

DISMISSED

06.06.2007 **SD/- KURIAN JOSEPH, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE POWER OF ATTORNEY EXECUTED BY URUNIYAN KHALID TO THE PETITIONER DT. 15.4.96.

EXT.P2:- COPY OF THE REGISTERED DOCUMENT EXECUTED BY KHALID IN FAVOUR OF THE 2ND PETITIONER DT. 16.4.96.

EXT.P3:- COPY OF THE DOCUMENT EXECUTED BY GRASIM INDUSTRIES LTD. IN FAVOUR OF URUNIYAN HUSSAIN DT. 26.5.94.

EXT.P4:- COPY OF THE DOCUMENT EXECUTED BY GRASIM INDUSTRIES LTD. IN FAVOUR OF URUNIYAN KHALID DT. 26.5.94.

/TRUE COPY/

tss

KURIAN JOSEPH, J.

O.P. NO. 2908 OF 1997

Dated this the 6th day of June, 2007.

J U D G M E N T

This original petition is filed with the following prayers.

a) a writ of mandamus or any other appropriate writ order or direction to respondent not to interfere or destroy the properties in possession of the assigners as per Ext. P2, P3 and P4.

b) a writ of mandamus or any other appropriate writ order or direction directing the respondents to comply to the judgment passed by the Forest Tribunal, Manjeri in O.A. 124/77.

2. In the counter affidavit filed on behalf of the first respondent it is stated that the attempt of the petitioners was to encroach the forest land. A sketch to that effect indicating the encroachment is also produced along with the counter affidavit. In case there is encroachment of forest land, it will be open to the respondents to take appropriate action for eviction. However, there shall be no disturbance to the peaceful enjoyment of the property lawfully possessed by the petitioners.

This original petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp